

# Chapter 13

## Ending Gender-Based Violence in Kyrgyzstan: Reflections on the Spotlight Initiative



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### 13.1 Introduction

In 2017, a new global, multi-year initiative called the *Spotlight Initiative* (SI) was launched by the European Union (EU) in cooperation with the United Nations (UN), with the aim of eliminating all forms of violence against women and girls<sup>1</sup> (VAWG) worldwide (European Commission, 2020). The Initiative is supported by a multi-stakeholder trust fund, with the EU contributing more than half a billion US dollars (European Commission, 2017). Overall, the Initiative has six mutually reinforcing objectives and strives to (1) promote laws and policies to prevent violence and discrimination and address impunity, (2) strengthen national government and regional institutions in preventing and responding to VAWG, (3) promote gender-equitable social norms, attitudes and behaviours, (4) make high-quality essential

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<sup>1</sup> In this paper, *violence against women* is used to indicate “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (Council of Europe, 2011, p. 3). Under this framework, violence against women represents a violation of human rights as well as a form of discrimination against women. *Gender-based violence* (GBV) against women is referred to the use violence “directed against a woman because she is a woman or that affects women disproportionately” (Council of Europe, 2011, p. 3). Finally, *domestic violence* indicates “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim” (Council of Europe, 2011, p. 3).

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services available for female survivors of violence, (5) collect high-quality, disaggregated and globally comparable data on different forms of VAWG and (6) empower autonomous women's rights groups, social movements and civil society organizations (UN Women, 2020a). In its theory of change, the SI clearly identifies the underlying causes and drivers of VAWG. Whereas patriarchal systems and inequitable gender norms, attitudes and behaviour are presented as root causes for discrimination against women and girls, historical and structural power imbalances between the genders, together with limitations on freedoms, choices and opportunities, represent the underlying causes of VAWG (UN Women, 2020b). Under this framework, impunity and the lack of punishment for perpetrators are depicted as main drivers of violence (*ibid.*).

Since 2019, Spotlight has seen implementation in the Central Asian country of Kyrgyzstan, where more than 6.5 million US dollars have been allocated to recipient UN Organizations such as UN Women, UNDP, UNFPA, UNICEF and UNODC for the carrying out of activities across the initiative's six outcome areas. In Kyrgyzstan, the SI is especially aimed at providing a comprehensive approach to developing institutional capacities across sectors, utilizing existing policy frameworks, systems and coordination mechanisms while deepening government ownership and buy-in on VAWG (Spotlight Initiative, 2019). Remarkably, although Kyrgyzstan is a state party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Kyrgyz women are still confronted with significant hurdles in accessing justice when it comes to gender-based violence (Putz, 2020) due to gender stereotypes and biases in the court system' (American Bar Association Centre for Human Rights, 2020, p. 1).

Due to the novelty of the programme, the SI has not received much academic attention thus far. The only exception is represented by Barges-Pedreny and De Almagro's (2020) study investigating the Initiative's contribution to broader framings of sustaining peace and resilience in Liberia. Overall, their findings are very critical towards the mode of intervention used by the EU and the UN as they indicate that it allows these organizations to "increasingly deny their responsibilities while, at the same time, they consider themselves indispensable and continue to supervise free from fault" (Barges-Pedreny & De Almagro, 2020, p. 329). This leads to two negative implications. Firstly, local and national women and women's organizations lack autonomy and agency and "are seen as mere implementers of a programme that cannot be resisted" (Barges-Pedreny & De Almagro, 2020, p. 329). Secondly, by emphasizing the focus on national ownership, local actors and their culture are framed as being both the solution and the cause of gender-based violence (Barges-Pedreny & De Almagro, 2020, p. 343). This chapter uses a slightly different angle and examines how the SI has sought to improve victims' access to justice by stimulating national and local ownership of an array of state and non-state actors engaged in addressing domestic violence from a legal and institutional perspective. The paper starts by setting the context of this study, it does this by familiarizing the reader with the phenomenon of domestic violence in Kyrgyzstan and with the major legal and institutional barriers hindering access to justice on behalf of women victims of

domestic violence. We then introduce the main research question and the respective methods and present the main research findings. In the final section of the article, we provide key recommendations on how to improve the national legislation concerning domestic violence in Kyrgyzstan as well as the implementation of the Spotlight Initiative in the country and beyond.

## 13.2 Domestic Violence in Kyrgyzstan

Although abundant evidence suggests that domestic violence is commonplace in Kyrgyzstan, only a few studies on the characteristics of domestic violence and the risk factors associated with it are available to date (Childress, 2018, p. 776). It follows that very little is known about the experiences, attitudes and beliefs of abused women, or about the most promising approaches and services to assist victims of domestic violence in the country (see, for instance, Childress et al., 2018, p. 164). Overall, the traditional nomadic Kyrgyz values under which women played an important role in family and society, Soviet policies on women's rights and participation in public life and the post-independence resurgence of traditional family norms have affected gender relations in the country (Childress, 2018, p. 777). However, the socioeconomic crisis following the dissolution of the Soviet Union in 1991 has, in particular, intensified family conflict and reduced the exit options available to victims of domestic violence in Kyrgyzstan (Childress et al., 2018, p. 176). Economic instability, unemployment and the related inability of men to fulfil their role as the family 'breadwinner' has created stress that has led to an increase in domestic violence in combination with alcohol abuse.

At the same time, a re-emerging conservatism regarding traditional and stereotypical gender norms has been observed in the past ten years in Central Asia (Spotlight Initiative, 2019, p. 8) as the social construction of marriage has allowed for a certain acceptance of domestic violence on behalf of society. It is in this framework that society tends to interpret domestic violence as the result of women's inability to fulfil their duty as caretakers and peacemakers in their families, discouraging victims from seeking for help (Childress, 2018, p. 783). Indeed, many women who attempt to leave abusive relationships are encouraged to return to their family and reconcile, even when they have suffered serious injuries. Women who complain about violence in the home or leave abusive partners are perceived to be destroying their families, leaving their children as 'orphans' subject to immoral upbringing (Human Rights Watch, 2015). In addition, divorce is socially stigmatized and not a viable option for women who are afraid of causing shame to their entire family and, thus, of damaging its reputation (Childress, 2018, p. 785).

Based on the data made available by the National Statistic Committee of the Kyrgyz Republic, between 2011 and 2019, an increase of over 400% of reported cases of domestic violence was registered in the country (see Table 13.1). Whereas 6,628 was the number of episodes reported by women in 2019, 1,190 cases were reported by men. Most victims of domestic violence were aged between 31 and

**Table 13.1** Number of reported cases of domestic violence in Kyrgyzstan (2011–2020)

Year	Reported by women	Reported by men
2011	1.714	95
2012	2.341	74
2013	2.269	70
2014	2.521	98
2015	3.229	104
2016	6.795	210
2017	6.966	357
2018	6.522	616
2019	6.628	1.190
2020	8.060	517

*Source* Eshaliyeva (2020) and National Statistic Committee of the Kyrgyz Republic (2021)

40 years, followed by the age group 21–30. In the case of the perpetrators, the age group 31–40 years was the most represented, followed by the groups 21–30 and 41–50 (Eshaliyeva, 2020). In the first three months of 2020, 2,319 complaints of domestic violence were registered by law enforcement agencies. The situation was aggravated by the lockdown and curfew regime introduced between 15 March 2020 and 1 June 2020, as a response to the COVID-19 pandemic. As a matter of fact, 700 calls from victims of domestic violence reached the Association of Crisis Centres within the first month of lockdown (Akisheva, 2020, p. 3).

In their study, conducted at a shelter in the Kyrgyz capital of Bishkek, Childress et al. (2018, pp. 170, 172) describe three types of consequences commonly affecting victims of domestic violence in Kyrgyzstan: impacts to physical health; fear, uncertainty and psychological distress; and the loss of identity and feelings of powerlessness, and existential distress. Besides suffering from ‘a wide range of injuries including concussions, broken bones, swelling in their joints and body, impaired vision and hearing, abortions, and sexually transmitted diseases,’ continual exposure to battering diminished women’s self-esteem and led to ‘learned helplessness’ that is very often is accompanied by suicidal feelings (Childress et al., 2018, pp. 172–173). In addition, the impact of the abuses also manifested itself in form of long-lasting negative mental and physical health effects on their children. Nonetheless, despite the gravity of the consequences, recent studies (e.g. Childress, 2018; Childress & Hanusa, 2018) have pointed out that only a small proportion of victims of domestic violence seek help due to several legal and institutional barriers. Police officers’ hostility to survivors and their general mistrust prevent many women from reporting the crimes due to their fear of being humiliated. As observed by Eshaliyeva, in this regard, women ‘are often “forced” to be ashamed of everything: ashamed of being raped, ashamed of making it public, ashamed of putting a rapist in prison’ (Eshaliyeva, 2021, p. 5). Other obstacles include pressure from authorities to reconcile with the

abusers and the practice of closing cases following reconciliation between victims and perpetrators.

### 13.3 Existing Legal and Institutional Framework for Addressing Domestic Violence

Based on the legal analysis of national legislation and an analysis of 280 court judgements on domestic violence (DV) in both Kyrgyz and Russian languages published in Kyrgyzstan's Court Decision Database between 1 January 2019, and 30 April 2021, the following legal and institutional barriers hinder access to justice on behalf of female victims of DV (Supreme Court of the Kyrgyz Republic, 2021).

*Legal barriers.* According to the 2021 Constitution, in Kyrgyzstan men and women have equal rights and opportunities for the realization of these. Since 2017, Kyrgyz national legislation on protection from DV has been amended. These amendments include the 2021 Constitution of the Kyrgyz Republic, the new Penal Code (2021d), the new Code on Offences (2021a), the Law on Protection and Defence against Domestic Violence (2017), the Law on Courts of Elders (*aksakals*) (2002), the Resolution of the Kyrgyz Government on the Procedure for Implementation of Safeguard and Protection against Domestic Violence (2019d), the Standard Correction Program on Changing Violent Behaviour for Perpetrators of Domestic Violence (2019e), the Order Providing Assistance for Victims of Domestic Violence (2019a) and the Order on Interaction of State Bodies that Safeguard and Protect from Domestic Violence (2019c).<sup>2</sup> In 2019, the adoption of a new Code of Misdemeanours, which became invalid in December 2021, was a positive measure taken by the government to combat domestic violence, as far as it included 'a provision criminalizing domestic violence, which had routinely been addressed as an administrative rather than criminal offense' (Human Rights Watch, 2019). According to Article 75 of the Code on Misdemeanours, domestic violence, as a misdemeanour, entailed as punishment a fine of the II category,<sup>3</sup> correctional labour of the II category<sup>4</sup> or public works of the II category.<sup>5</sup> Thus, domestic violence fell under the category of cases for semi-public prosecution, which meant that pre-trial proceedings began only when the victim of DV or her legal representative applied to police and may be terminated due to reconciliation with the perpetrator (Code on Misdemeanours, 2019b). Based on analysis of case law on DV, our study revealed a lack of accounting for aggravating circumstances in the Code of Misdemeanours for domestic violence committed with

<sup>2</sup> The documents are named according to the hierarchy of normative legal acts established by the Law on Normative Legal Acts of the Kyrgyz Republic (2009).

<sup>3</sup> Fine of the II category: 15,000–25,000 soms (€150–250) for minors and 30,000–60,000 soms (€300–600) for other natural persons.

<sup>4</sup> Correctional labour of the II category: 2–4 months for minors and 4–6 months for other natural persons.

<sup>5</sup> Public works of the II category: 30–40 h for minors and 40–60 h for other natural persons.

threats of murder to the victim, her children and/or relatives, as well as severe bodily harm to those mentioned above.

In December 2021, a new Penal Code, a new Code on Offences and a new Criminal Procedural Code came into legal force. Adoption of these codes was a partially positive measure for combating DV because the Penal Code and the Code on Offences both include articles on “Family Violence.” At the same time, aggravating circumstances and strict criteria which could help distinguishing between DV as a crime and as an offence are still missing. The main differences between them depends on the types of harm. If DV causes less serious harm to victim health, it is recognized as a crime punished by correctional labour (two months to a year), community service (forty to one hundred hours) or deprivation of liberty for a term of up to five years (Penal Code of the Kyrgyz Republic, 2021d, Article 177). In contrast, if DV includes physical, psychological or economic violence, or the threat of physical violence, it is recognized as an offence punishable by public works (forty hours) or arrest (of three to seven days) (Code on Offences of the Kyrgyz Republic, 2021a, Article 70). One of the main positive changes in the new codes is the elimination of fines as a form of punishment. In addition, the Code on Offences has been complemented by Article 72 on “Evasion of a Person who has Committed Domestic Violence from Undergoing a Correctional Program” that is now punishable by a warning or public works (forty hours) (Code on Offences of the Kyrgyz Republic, 2021a).

The 2017 Law against Domestic Violence mandates that police automatically issue a three-day temporary protection order after confirming domestic abuse. A victim may request an extension of up to thirty days from police. Although service providers and activists say the police are issuing more protection orders under the new law, they still do not issue them in every case (Human Rights Watch, 2019). Such a temporary protection order forbids any physical contact or interaction with the person being subjected to violence and extends protection to family members. The aggressor, however, retains the right to live with their family in their home and can only be evicted or have their parental rights removed by the courts (Eshaliyeva, 2020). In 2014, the OSCE ODIHR presented its Opinion on the Draft Law on the Kyrgyz Republic Safeguard and Protection from Domestic Violence where it stressed that “in order to guarantee the security of victims on the spot, it would be advisable to broaden the scope of the restrictions to include ordering the offender to temporarily vacate the family home/residence, regardless of who is the owner of the premises” (OSCE ODIHR, 2014). This recommendation has been taken into account in the new draft Law on Amendments to Several Legislative Acts of the Kyrgyz Republic in the Field of Protection and Protection against Domestic Violence prepared in the framework of the inventory of national legislation in 2021.

*Law enforcement.* Childress and Hanusa describe several mechanisms that have prevented the legal system from effectively addressing DV, including mutual protection and solidarity among law enforcement officials, police failure to enforce temporary restraining orders, an emphasis on reconciliation, corruption and negligence among police, fear of retribution, *pro forma* attitudes among the police, police attitudes toward retractions among women and officers believing that some injuries were not serious enough to merit any action (Childress & Hanusa, 2018, pp. 152–153). At

the same time, victims of DV are asked to repeat their testimony several times; they are interrogated by the police, then by an investigator and then must testify in court. The procedure is not only very humiliating but can also contribute to re-traumatizing the survivors as they are often interrogated as though they were the criminals (Eshaliyeva, 2021). As pointed out by Eshaliyeva (2021), this procedure negatively affects victims' trust in the investigation. Moreover, violations of numerous international standards on the right to a fair trial have been reported, including: (i) the right to call and examine witnesses; (ii) the right to be presumed innocent; (iii) the right to an impartial tribunal; and (iv) the right to an appeal (American Bar Association Centre for Human Rights, 2020, p. 4).

Our analysis revealed that only in 50 cases out of 178 did victims reach the stage of court hearings and a chance at fair justice, and our interviews pointed out incorrect qualifications and identification in the DV cases, as well as ignorance of obligations by police officers and other authorities when taking care of these cases. As described by one of our Interview Partners (IP)

“DV can be recorded as a misdemeanour if it was committed only once. If the violence continues, the article ‘Cruel treatment’ of the Penal Code should be applied. When victims turn to law enforcement agencies and say that they have been subjected to violence for many years, the investigator, upon learning that the perpetrator is a family member, qualifies the case as a misdemeanour. [...] Such cases are often terminated during the investigation”. (Interview conducted in Bishkek on 21.06.2021)

Based on data made available by the Kyrgyz Ministry of the Interior, between January 1, 2019 and 30 April 2021, only fourteen per cent of the reported cases reached the court, the rest were dropped. Our analysis of case law on DV indicated that 178 women out of 229 preferred to dismiss their case upon reconciliation, even if they had already received the results of forensic examination necessary to pursue legal action against their perpetrators. This occurred despite systematic verbal and physical abuse, which included being threatened with knife or axe, being choked, electrocuted and kicked out of their houses, and being exposed to threats of murder against themselves, their children and/or their relatives. If a couple reconciles, Kyrgyzstan's laws permit authorities to drop domestic abuse cases (Margolis, 2020). As far as the Criminal Procedural Code (2019) allowed for the reconciliation of victim and perpetrator, a perpetrator enjoyed impunity.

Kyrgyz courts have mostly imposed fines for perpetrators of DV. Based on our analysis, in 33 legal cases out of 50, a fine from 30,000 to 60,000 soms (€300–600) was imposed on perpetrators, including unemployed perpetrators. Remarkably, as highlighted by Margolis (2020) ‘heavy fines, which usually are paid from the family budget, put a financial squeeze on victims and their children. This creates additional pressure on victims to return to their abusers.’ In 15 cases, perpetrators were punished by public works (40–60 h), and only in two cases were they sentenced to correctional labour for four and five months, respectively. Surely, the high amount of the fines might negatively affect women's decision to pursue legal action against perpetrators of DV.

*Infrastructural barriers.* According to the research conducted by the Kyrgyz Association of Women Judges, female victims of DV also face problems regarding physical access to justice. Indeed, police buildings do not have separate rooms for interviewing victims, and the infrastructure available does not allow women to submit their claim confidentially.

*Low level of legal consciousness among victims of DV.* Our findings also pointed out that victims of DV are simply not aware of their own rights. As highlighted by one of the IPs,

“They simply don’t know how and whom to contact first of all; how to act in the case of DV. Even when contacting law enforcement agencies, they do not fully know their rights during investigation of cases and criminal trial”. (Interview conducted in Bishkek on 21.06.2021)

### **13.4 Spotlight Initiative and Local and National Ownership: Main Findings**

This section investigates how the Spotlight Initiative has sought to improve the access to justice on behalf of female victims of domestic violence by reducing existing legal and institutional barriers. Particular attention was given to emerging forms of national and local ownership characterizing state and non-state actors that were involved in the Initiative. The findings are based on semi-structured interviews that were carried out with representatives of the UN organizations involved in the programme design and implementation, as well as with legal experts, lawyers and civil society activists engaged in the field of VAWG.

The first way through which the Spotlight Initiative has tried to enhance women’s access to justice is through the introduction of a Standard Operating Procedure (SOP). The procedure was developed by a team of experts considering the best international practices as well human rights and international standards that were adapted to the Kyrgyz context and legislation. As highlighted by one of the IPs, in this regard,

“The SOP is a comprehensive approach to GBV; this involves referral mechanisms among police, health, and social workers, law enforcement and crisis centres. It means that all these institutions are aware of a coordinated response. If a victim goes to the police, the police know that she has the right to issue a claim and they refer her to a doctor, psychological support, or crisis centres. Or, if a crisis centre gets a call from a woman, it should refer her to health, police, or legal aid. This is the kind of circle of services that helps women to get protection, to get legal support, health support, and psychological and social support”. (Online interview conducted on 16.02.2021)

Advocacy campaigns are the second way through which the Spotlight Initiative has sought to improve women’s access to justice. On 12 November 2021, the Committee on Law Enforcement, Combating Crime and Corruption of the Jogorku Kenesh of the Kyrgyz Republic and the Council on Women’s Rights and Prevention of Gender-Based Violence under the Toraga of the Jogorku Kenesh, with the support of the Spotlight Initiative, discussed proposed amendments to the Law of the



Kyrgyz Republic ‘On Safeguarding and Protection from Domestic Violence.’ Representatives of the Cabinet of Ministers and of the Presidential Administration, international organizations and CSOs, as well as crisis centres, attended the discussion. The proposed amendments concern increasing the period for issuing a temporary protection order from three to thirty days, expanding its conditions, and the potential of delivering a protection order electronically. They also suggest greater engagement of probation and execution bodies as subjects of the implementation of the law in cases of DV, and the exclusion of courts of elders (UNDP Kyrgyzstan, 2021). These amendments have been included in the draft Law on Amendments to Several Legislative Acts of the Kyrgyz Republic in the Field of Protection and Protection against Domestic Violence which passed public debates in December 2021.

Another successful example of advocacy is offered by the Centre for Study of Democratic Processes, a public foundation and national partner of the Spotlight Initiative which provided methodological assistance for developing the Regulations of the new Department for the Prevention of Domestic Violence and Coordination of Activities of Mobile Police Stations under the Ministry of Internal Affairs (Telephone interview conducted in Bishkek on 13.01.2022).

In addition, in cooperation with the Ministry of Justice of the Kyrgyz Republic, the Spotlight Initiative has further supported the project ‘Bus of Solidarity’ (BoS) through which lawyers and representatives of the Inspectorate for Juvenile Affairs jointly inform citizens about their rights and provide free legal consultations in the field of domestic violence among other things. Until now, the Bus of Solidarity has reached 117 villages and 72 towns in Osh and Naryn oblasts in the Kyrgyz Republic and offered 2,272 legal consultations in these pilot regions. The thirty attorneys and social workers involved in the BoS initiative were trained in the provision of gender-sensitive services to GBV survivors through the Gender Action Learning System (GALS) methodology. As highlighted by the implementing organization in this regard, thanks to the use of gender-sensitive interview techniques, when the BoS travelled to remote regions, its staff was able to identify ten cases of domestic violence even when the women were asking for help for other reasons, such as restoring personal properties that were taken away by their husbands (Interview conducted in Bishkek on 09.09.2021).

In cooperation with the Training Centre for Lawyers, the Spotlight Initiative has also implemented a Pro-Bono project providing qualified legal aid to victims of domestic violence. Around fifty pro-bono lawyers (mostly women) are now advising crisis centres for free and, between April and June 2021, forty cases were supported under this framework. The Pro-Bono project contributes to addressing a relevant shortcoming of the Law on Free Legal Aid that currently does not apply to victims of domestic violence. In addition, in order to ensure professionalism and confidentiality during the interview process, the UNODC has planned to build a pilot police room in Bishkek which will be equipped with a gesell mirror, audio and video recording devices, and other necessary equipment.

Overall, our study has confirmed Barges-Pedreny and De Almagro’s observation that the SI is donor-driven but has also shed light on spaces for autonomy and agency of national and local actors. The donor-driven nature becomes apparent if we consider

that Spotlight is a global initiative implemented in thirty-six countries worldwide, and is ‘top-down in terms of setting theory of change, indicators and so on’ (Online Interview conducted on 30.06.2021). However, the fieldwork pinpointed that the content of the theory of change was adapted to the national context and developed in consultation with the Interim Working Group formed by UN and EU representatives, CSOs, and national partners including the Ministry of Health, Ministry of Interior, Ministry of Culture, the National Statistic Committee, and the General Prosecutor’s Office. In addition, the Interim Civil Society National Reference Group was created to ensure that “the perspectives of people were incorporated” in the programme. The Group is (as of September 2021) composed of twelve members of civil society, mainly from Bishkek and Osh, and serves as a consultative body formulating recommendations and comments concerning the planning and reporting of the programme’s activities as well as research studies conducted under the framework of Spotlight.

At the same time, the interviews highlighted an initial ‘lack of common understanding of some concepts laid down in the documents [...] and in understanding indicators and theory of change because these are global indicators’ (Online Interview conducted on 30.06.2021). This challenge, which derives from the volatility of the UN staff in charge of the programme in Kyrgyzstan, has also created opportunities for processes of reappropriation in terms of ‘idea-recipient’s adjustment to the shape and content (or both) of foreign ideas to make them more congruent with the recipient’s prior beliefs and practices’ (Acharya, 2004, p. 245). This is well exemplified by the discussions taking place as part of the exercise ‘pathways of change’ through which implementing UN organizations ‘tried to unpack concepts and activities [...] to go through all these aspects to be on the same page regarding what we are doing and why we are doing it. While having this discussion, it gave us some space to create a common understanding’ (Online Interview conducted on 30.06.2021).

Local ownership has also been fostered through the capacity-building activities provided to the Committees on the Prevention of Domestic Violence in ten target communities. These Committees were created in 2017 and comprise representatives of local government (*Ayil Okmotu*), social workers, medical workers, representatives from the Local Crime Prevention Centers and, in some cases, religious leaders and women’s NGOs. The members went through a gender-sensitive training programme through which they were familiarized with the GALS methodology and with the local referral mechanism. The task of these Committees is to improve victims’ access to services by preventing, informing and referring, and by providing information and contact for social services, medical services, crisis centres, pro-bono lawyers and so forth. As explained by the interviewed organization:

“If you are a member of the Committee and you receive a claim, you should not tell her just go to the police. They have an algorithm of action, what questions they should ask, who they should refer to, firstly medical services and then social services. Then they call the social worker, and the social worker goes to the victim. (...) If she does not want to go to the police, this is her right. She can receive free legal aid. They Committees are linked to pro-bono layers, she can be referred to lawyers and then they can proceed, with police, with forensics, etc”. (Online interview conducted on 07.06.2021)

Another example of how local ownership has been stimulated under the framework of the Initiative is offered by local Women's Committees that have been created and/or strengthened in the ten target communities. These Committees comprise active women who conduct informal work in the field of gender-based violence, providing the victims with first aid, sharing information on how to write a claim, separating the victims from their husbands and fundraising for women who have left their houses. As part of Spotlight, the engagement of the Committees has been formalized through their official registration as legal entities and has been professionalized through capacity-building activities on project proposal writing and project management, communication strategy, computer literacy, etc. As highlighted by one of the implementing organizations in this regard, 'once they are registered and know how to fund-raise, Women's Committees will continue protect women rights, supporting victims, serving as bridge between crisis centres and police. Female victims of GBV are more trusting of these committees rather than the police and committee for the prevention of domestic violence' (Online Interview conducted on 07.06.2021).

As already anticipated from the previous quotation, although different forms of ownership became evident during our fieldwork, some doubts on the sustainability of the changes introduced by the programme at the national level were cast. For instance, one interviewed organization pointed out how the Essential Services Package—a new provision introduced by Spotlight—'is an extra function [...] and the staff which was trained in the region will never have an increase in salary or incentives to perform it' (Online Interview conducted on 22.06.2021). Even though national officials are interested and willing to engage in the capacity-building activities offered under the framework of the Initiative, the lack of financial and human resources might negatively affect the sustainability of the services introduced.

## 13.5 Conclusions

This chapter has provided an overview of the phenomenon of domestic violence in Kyrgyzstan and examined how the Spotlight Initiative has sought to improve victims' access to justice by stimulating national and local ownership of an array of state and non-state actors engaged in this field. The comprehensive nature of the Spotlight Initiative makes it very difficult to assess its impact, especially considering that the programme is relatively new, is aimed at introducing long-term systemic changes, and that the COVID-19 pandemic has not only slowed down its implementation but also caused a sudden increase in cases of domestic violence. However, despite their descriptive nature, the examples reported in the chapter reveal that the implementation of the Initiative has been complemented by processes of globalization through which national and local actors have contributed to interpreting, translating and adapting this global programme to the Kyrgyz context.

Based on our findings, women's organizations and activists involved in the Spotlight Initiative in Kyrgyzstan are not 'mere implementers of a program that cannot be resisted' (Bargues-Pedreny & De Almagro, 2020, p. 329), but are also shapers

of the programme. Indeed, as pointed out by the interviewed organizations, the shift in focus on domestic violence triggered by a surge of cases during COVID-19-related lockdown measures is also the result of the many calls and requests for help received from local women's organizations that did not know how to help victims when the shelters were temporarily closed down. Similarly, the empirical material collected on the ground did not confirm Barges-Pedreny and De Almagro's observation that SI's focus on national ownership contributes to framing local actors as both the problem and the solution (Barges-Pedreny & De Almagro, 2020, p. 343). At least with regard to the legal dimension, our findings pinpoint that, on the ground, the localization of international standards and procedures has taken place through the involvement of autonomous and/or already existing structures and through the empowerment of a wide range of state and non-state actors. These stakeholders include civic activists, lawyers, social workers, women's committees, local self-government bodies and students, among others, who are addressed neither as the problem nor as the solution, but rather as potential change agents.

At the same time, the legal advocacy campaigns conducted at the national level can be considered to be partially successful since they contributed to the formulation of the new draft Law on Amendments to Several Legislative Acts of the Kyrgyz Republic in the Field of Protection and Protection against Domestic Violence and to the Regulations of the Ministry of Internal Affairs' new Department for the Prevention of Domestic Violence and Coordination of Activities of Mobile Police Stations. In December 2021, a new Penal Code, a new Code on Offences and a new Criminal Procedural Code came into force. The codes introduced positive change in combating DV by imposing harsher punishments for perpetrators, and, notably excluding the issuance of a fine as a punishment option. However, *the vague* and elusive definition of DV as a juridical concept and the preference given to reconciliation practices still represent significant barriers to accessing justice on behalf of female victims of domestic violence.

Overall, the following recommendations came to light through the study. The first set of suggestions resulted from the analysis of the national legislation and the 280 court judgements on DV. Access to justice on behalf of victims of domestic violence in Kyrgyzstan could be improved by increasing the level of legal consciousness of potential victims of DV and their perpetrators. Therefore, the Spotlight Initiative could focus not only on GALS trainings for pro-bono lawyers and law enforcement officers, but also on introducing special courses in schools and universities across the country to provide socio-legal education to younger generations. Moreover, advocacy campaigns at the national level could also contemplate (i) the introduction of aggravating circumstances for DV and of strict criteria distinguishing between DV as a crime and as offence; (ii) the prohibition on reconciliation between a victim of DV and perpetrator in cases where aggravating circumstances are identified.

The second set of recommendations emerged from the interviews collected with national implementing partners and concern the importance of strengthening cooperation with local actors and existing institutions, including self-government structures. For instance, local ownership could be increased through great involvement of local

civil society organizations working on women's rights and the prevention of gender-based violence in more peripheral areas of the country. Until September 2021, only three local CSOs were granted financial support for the conduct of GBV-related projects in Jalal-Abad, Naryn and Osh under the framework of SI. Surely the grant programme could be further expanded by covering other regions of the country and by complementing legal assistance with measures focused on increasing economic independence for women. In this way, the Initiative could be further tailored to the local context, benefitting from local expertise and experience and building synergies with already functioning structures. In addition, following Childress et al. (2018), wider consultations and discussions with female victims of DV could contribute to adjusting the programme to the realities on the ground, by considering the most promising approaches and services for the assistance of victims of domestic violence in the country as experienced by the abused women themselves.

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